

Testimony of the Honorable Mike Rogers
“Ending the Federal Law Enforcement Vow of Poverty”
House Government Reform Committee
Subcommittee on Civil Service and Agency Organization
and
Subcommittee on Criminal Justice, Drug Policy, and Human Resources

Madame Chairwoman, Mr. Chairman, thank you for holding today’s hearing. Addressing the evolving needs of federal law enforcement officers and agencies will most certainly require your continued attention and effort.

As you know, we are facing an ongoing crisis within our federal law enforcement agencies. It is not the typical, generalized federal personnel problem we are facing in a number of other government agencies. It is a readiness crisis caused by a pay and personnel system which does not meet the unique needs of law enforcement.

FBI agents and other federal law enforcement officers combat terrorists, child kidnappers, drug traffickers, corporate swindlers, computer criminals, gangs, organized crime, and hate crimes groups. Yet, our pay system does not reflect the particular needs of federal law enforcement agencies.

For example, under the current pay system, the FBI cannot offer special pay to agents with critical skills, such as language, computer, and forensics expertise. Given private sector demand for such expertise, the Bureau is finding it difficult to recruit and retain agents with the types of skills needed to defeat 21st century threats.

Instead of a modern, flexible pay system we continue to apply the General Schedule (GS) career development system, which was designed for white-collar workers, to law enforcement officers. This decision to continue to make due with an inappropriate system has had the consequence of requiring agencies to evaluate and promote according to a rigid GS step and grade system, without taking into account law enforcement markers of performance, such as cases solved or law enforcement specific skills acquired.

The inadequacies of the GS pay scale are most obvious in the case of Special Agents assigned to high cost of living cities. For example, the current salary for a newly hired FBI Special Agent in San Francisco is \$56,453, including all overtime payments. A search for a “low income” home within a 60 to 90 minute commute of San Francisco placed the house in the \$300,000 range with a mandatory income of \$86,000.

The current pay system also hampers agency efficiencies and effectiveness through pay compression. Pay compression squeezes our law enforcement agencies as well as our agents. It not only discourages our best and brightest from moving into the management ranks, it also discourages agents from remaining past basic retirement eligibility at a time when this country needs experienced, steady heads in charge.

These two facts are particularly exasperating when one considers that, as this committee knows, the Government Accounting Agency has found that between now and 2006, the retirement rate among federal law enforcement is expected to exceed 20 percent. Stemming this tidal-wave of retirements will require that federal law-enforcement improve both their recruitment and retention rates.

While Congress has long been cognizant of the problem of different expenses in different regions of the country, and have tried to remedy the problem through pay locality increases, the inadequacies of the pay system continue to impact not only agencies, but everyday law enforcement office. Our antiquated system does not adequately adjust for the realities of life in some of America's high-cost metropolitan areas.

For example, today the salary of a starting Agent in San Francisco does not qualify him for even half the median cost of a home. As a result, Agents commonly face 4 hour daily commutes on top of their regular ten-hour-plus workday. This problem is not limited to the Bay area, but reaches Agents nationwide. And since assignments are based on the needs of the nation, not the finances of an Agent, many senior Agents are forced to leave the bureau when they are reassigned to one of these financial hardship cities.

Junior agents also face tough choices. One recent, true example illustrates just how outrageous our system has become. A GS 14 Supervisory Special Agent assigned to Houston transferred to DC about 18 months ago. She was making approximately \$114,000. When she moved to FBIHQ, in a GS 14 position, her pay dropped to \$107,000. Her experience with a shrinking

paycheck continued as she lost another 5% through the imposition of a state income tax. She also saw her house payment increased \$1700 per month. I'm certain that if you reflect upon your first days as a Member of Congress this committee can relate to her shock.

As a single woman with no dependents she is able to afford this sudden reduction in salary, but many with a family could not, and would be forced to choose between a diminished quality of life for their family, or a departure from public service. But more importantly, it is contrary to the interests of the agency and the government to attach a \$14,000 surcharge to a lateral move to Headquarters. Keep in mind that even with a promotion to GS 15, the shift from a state with no income tax to a region with one results in dramatically less take home pay. I encourage you to seriously consider this point because the GS system does not.

Three separate administrations have also indicated there is need for a separate pay and personnel system. In the early 1990s, Congress mandated an enhancement of the federal law enforcement payment system. The Federal Employees pay Compatibility Act of 1990 directed OPM to develop a plan to establish a separate federal law enforcement personnel system.

OPM and the statutorily chartered National Advisory Commission on Law Enforcement (NACLE) studied the issue of a law enforcement specific pay system. Both OPM and NACLE concluded that a separate system should be created. However, circumstances and administrations changed and this suggestion never became law.

Office of Personal and Management Director Kay Coles James publicly invited national discourse on

addressing the flaws of the federal pay system. Paving the way for reform, OPM reported that the antiquated General Schedule system does not reflect market pay levels; address new and unprecedented management challenges; encourage achievement and results; or tailor pay programs to agency specific missions and labor markets. A law enforcement pay system would address the concerns raised by the report.

It is because of my increasing concern with the nation's federal law enforcement pay system that I have introduced H.R. 1676, the Comprehensive Federal Law Enforcement Pay Equity and Reform Act. My legislation seeks to reform federal law in three areas.

First my bill provides immediate relief for those law enforcement officers who need it most. Specifically, H.R. 1676 provides a locality pay adjustment for federal law enforcement officers located in thirteen metropolitan areas. Those thirteen areas are: Boston-Lawrence-Salem, 24.4%, Chicago-Gary Lake County, 24.5%, Detroit-Ann Arbor- Flint MI, 18.5%, Hartford, CT, 20.3%, Los Angeles-Anaheim-Riverside, 27.1%, New York-New Jersey-Long Island, 26.1%, Philadelphia-Wilmington-Trenton, 20.3% Portland-Salem, 20.3%, Sacramento-Yolo, CA, 21.0 %, San Diego, 27.1%, San Francisco-Oakland-San Jose, 32.03%, Seattle-Tacoma-Bremerton, WA, 27.5%, Washington-Baltimore, 24.3%.

Second, it lifts the cap on overtime pay for federal law enforcement officers, thereby eliminating a serious disincentive to seeking promotion.

Third, and most importantly, my bill sets Congress and the administration on the path toward a new pay system. H.R. 1676 directs the OPM to study and submit to Congress, not later than 6 months after the

date of enactment, a report containing its findings and recommendations regarding the need for and potential benefits of a separate pay, evaluation and promotion system for Federal law enforcement officers. In carrying out this study, the OPM is directed to take into account the valuable work and recommendations done by OPM in their 1993 report titled "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers."

Mr. Chairman, Madame Chairwoman, today's realities underline the need for more law enforcement personnel, as well as the need for highly skilled, and specially trained agents. Yet despite the signals of support from three consecutive administrations we still do not adequately pay for people with special skills, nor do we adjust pay to reflect the high cost of living in the metropolitan areas most in need of federal law enforcement.

I think that every federal law enforcement officer deserves a raise, but with the understanding that the government has limited means. My legislation allows us to live within our means, while paying law enforcement agents a respectable wage they deserve, and law enforcement agencies the relief they need.

Again, thank you for the opportunity to testify before you today, and for your interest in this issue.